

MINUTES OF THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

RODRIGUEZ v. U.S.A.

No. 08CV1116-WQH(LSP)

HON. LEO S. PAPAS

CT. DEPUTY JENNIFER JARABEK

Rptr.

Plaintiffs

Attorneys

Defendants

The date and time of the Early Neutral Evaluation Conference on October 20, 2008, at 9 a.m. is vacated and reset for December 19, 2008, at 9 a.m.

All parties or their representatives who have full and unlimited authority to enter into a binding settlement, in addition to the attorneys participating in the litigation, shall be present at the conference. "Full authority to settle" means that the individuals at the settlement conference must be authorized to fully explore settlement options and to agree at that time to any settlement terms acceptable to the parties. Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648 (7th Cir. 1989). The person needs to have "unfettered discretion and authority" to change the settlement position of a party. Pitman v. Brinker Intl., Inc., 216 F.R.D. 481, 485-486 (D. Ariz. 2003). The purpose of requiring a person with unlimited settlement authority to attend the conference includes that the person's view of the case may be altered during the face to face conference. Id. at 486. A limited or a sum certain of authority is not adequate. Nick v. Morgan's Foods, Inc., 270 F.3d 590 (8th Cir. 2001).

X Copies to: Counsel of Record

       Notified by Telephone

DATED: October 1, 2008

  
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Hon. Leo S. Papas  
U.S. Magistrate Judge